

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TYRONE REID a/k/a Luqman Abdurrahman,

Petitioner,

v.

CASE NO. 82-71077

HONORABLE DENISE PAGE HOOD

**WASHTENAW COUNTY CIRCUIT
COURT and FRANK KELLEY,**

Respondents.

_____ /

ORDER DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY

This matter is before the Court on remand from the Sixth Circuit of Appeals for the “sole purpose of determining whether to grant or deny a certificate of appealability.” (Doc. No. 45, 6/13/2012). Federal Rule of Appellate Procedure 22 provides that an appeal may not proceed unless a certificate of appealability (COA) is issued under 28 U.S.C. § 2253. Rule 11 of the Rules Governing Section 2254 Proceedings now requires that the Court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” A COA may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. §2253(c)(2). A petitioner must show “that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citation omitted).

The Court concludes that reasonable jurists would not debate this Court’s rulings set forth in its March 2, 2012 order denying Petitioner’s Rule 60(b) Motion. The Court declines to issue a certificate of appealability.

Accordingly,

IT IS ORDERED that a certificate of appealability ***not*** issue in this case.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: June 20, 2012

I hereby certify that a copy of the foregoing document was served upon Tyrone Reid #125860, 2400 South Seridan Road, Muskegon, MI 49442-6298 and counsel of record on June 20, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager